

REMARKS

Claims 1, 4, 8, 9, 17-19 and 22 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2005/0151349, filed by Irgens et al. (hereinafter “Irgens”). Applicants appreciate the Examiner’s indication that claims 5-7 and 23-25 would be allowable if rewritten in independent form to include all the limitations of the base claim.

Applicants have added independent claim 39 that includes the limitations of claim 5 and the limitations of the intervening claims in which claim 5 depends. Therefore, Applicants respectfully submit that claim 39 is in condition for allowance. Newly added claims 40 and 41 depend directly or indirectly from independent claim 39 and are, therefore, also believed allowable. Notice to that effect is requested.

Applicants have also added new claims 36-38. Applicants will discuss in further detail below the reasons for which claims 36-38 are believe allowable.

Irgens Does Not Anticipate Claims 1, 4, 8, 9, 17-19, and 22 Under 35 U.S.C. §102(e)

Irgens discloses a hitch assembly that has an anti-rotation mechanism. Specifically, FIG. 8 of Irgens discloses a hitch assembly 10c including a hitch ball 12c. A shank portion 34c of the hitch ball 12c has a mating portion 68 in the shape of a male key. The ball mount 40c has a corresponding recessed portion 70 which is in the shape of the keyway extending from the shank opening 46c. In essence, the recessed portion 70 is a notch in the shank opening 46c for receiving the mating portion 68 of the shank 34c to prevent rotation of the hitch ball 12c.

Independent claims 1, as amended, requires that a substantial portion of the perimeter of the base is engageable with the sidewall of the recess to prevent rotation of

the hitch ball during installation.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); and MPEP §2133.

Irgens fails to disclose that a substantial portion of the perimeter of the base is engageable with the sidewall of the recess to prevent rotation of the hitch ball during installation, as required by claim 1. Instead, Irgens discloses a notch 70 in the shank aperture 70c. The notch 70 only engages a small portion of the base to prevent rotation of the shank during installation. Specifically, the force required to prevent rotation of the hitch ball during installation is applied only a small portion of the base, namely the mating protrusion 68. Claim 1, instead requires that a substantial portion of the perimeter of the base of the hitch ball engages the sidewall of the recess to prevent rotation. The force required to prevent rotation of the hitch ball in the invention defined in claim 1, therefore, is spread over a substantial portion of the perimeter. Therefore, claim 1 is clearly distinguishable over Irgens. Accordingly, Applicants respectfully submit that claim 1 is now in condition for allowance.

Claims 4-9, 17-19, and 22-25 depend directly or indirectly from independent claim 1 and add additional limitations thereto. These claims are believed allowable over Irgens for the same reasons set forth with respect to independent claim 1 in which they depend. Therefore, Applicants respectfully submit that claims 1, 4-9, 17-19, and 22-25 are allowable over Irgens.

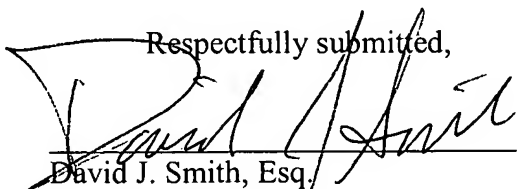
Newly Added Claims 36-38

Independent claim 36 is added and is believed allowable over the references of record, including Irgens. Claim 36 requires that a substantial portion of the perimeter of the aperture of the hitch receiver is surrounded by the recess. For example, Irgens merely discloses a notch 70 abutting a portion of the perimeter of the shank aperture 46c. Claims 37 and 38 depend directly or indirectly from claim 36 and add additional limitations thereto, therefore, claims 37 and 38 are also allowable.

CONCLUSION

In light of the foregoing, Applicants submit that the application is now in condition for allowance, and accordingly, respectfully requests the allowance thereof. If the Examiner has any questions pertaining the to above, the undersigned attorney would welcome a phone call to provide any further clarification or a formal interview.

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Respectfully submitted,


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